

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA PRIORITY

C O N F I D E N T I A L STATE 045788

E. O. 11652: GDS

TAGS: PFOR, SPOP, CVIS, CA

SUBJ: LEGISLATION AFFECTING WESTERN HEMISPHERE IMMIGRATION

1. DEPT INFORMED THAT HOUSE JUDICIARY SUBCOMMITTEE NO. 1
WILL HOLD HEARINGS MARCH 21 AND 22 TO CONSIDER LEGISLATION
AFFECTING IMMIGRATION FROM WESTERN HEMISPHERE.

2. SUBCOMMITTEE PARTICULARLY INTERESTED IN EFFECT ON U. S.
RELATIONS WITH WESTERN HEMISPHERE NEIGHBORS OF PRESENT AND
PROPOSED IMMIGRATION LEGISLATION.

3. UNDER PRESENT LAW, AS YOU KNOW, IMMIGRATION FROM THE
WESTERN HEMISPHERE IS TREATED QUITE DIFFERENTLY FROM THAT
OF THE EASTERN HEMISPHERE. THERE IS A PREFERENCE SYSTEM
APPLIED TO EASTERN HEMISPHERE LEGISLATION WHICH ENSURES
THAT CERTAIN CLASSES OF RELATIVES OF U. S. CITIZENS AND
RESIDENT ALIENS WILL HAVE A SPECIFIED AMOUNT OF VISA
NUMBERS AVAILABLE TO THEM, AS WELL AS SPECIFIED AMOUNTS
RESERVED FOR PERSONS NEEDED FOR THEIR PROFESSIONAL OR
OCCUPATIONAL SKILLS. OTHER VISA NUMBERS ARE SET ASIDE
FOR REFUGEES. TO PRECLUDE AN EXCESSIVE USE OF THESE VISA
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NUMBERS BY NATIVES OF ANY SINGLE FOREIGN STATE, THERE IS ALSO A NUMERICAL CEILING FOR EACH FOREIGN STATE AND DEPENDENT AREA.

4. NO SUCH PREFERENCE SYSTEM NOR FOREIGN STATE LIMITATION IS APPLICABLE IN THE WESTERN HEMISPHERE. INTRA-HEMISPHERIC IMMIGRATION IS GOVERNED SOLELY BY A HEMISPHERIC CEILING ON A FIRST-COME, FIRST-SERVED BASIS. MOREOVER, THE APPLICABILITY OF THE LABOR CERTIFICATION REQUIREMENT IS SUBSTANTIALLY BROADER IN THE WESTERN HEMISPHERE THAN IN THE EASTERN HEMISPHERE.

5. H. R. 981 AND SIMILAR LEGISLATION WOULD APPLY AN IDENTICAL AMENDED PREFERENCE SYSTEM TO THE WESTERN HEMISPHERE AND THUS RESOLVE THESE DISPARITIES. IT IS UNLIKELY, HOWEVER, THAT THEY WOULD RESOLVE THE PROBLEM OF THE SIGNIFICANT OVERSUBSCRIPTION OF THE WESTERN HEMISPHERE CEILING WHICH, AT THE MOMENT, NECESSITATES AN APPLICANT WAITING APPROXIMATELY TWENTY MONTHS BETWEEN THE TIME HE ESTABLISHES A PRIORITY DATE AND THE TIME A VISA NUMBER IS AVAILABLE TO HIM.

6. THE DEPARTMENT HAS FOR SEVERAL YEARS URGED LEGISLATION TO APPLY THE PREFERENCE SYSTEM TO THE WESTERN HEMISPHERE. HOWEVER, WE HAVE STEADFASTLY PREFERRED TO RETAIN SEPARATE HEMISPHERIC CEILINGS, FOR AT LEAST A TRIAL PERIOD OF SEVERAL YEARS, BECAUSE WE DO NOT KNOW WHAT THE IMPACT ON IMMIGRATION PATTERNS WILL BE FROM THE APPLICATION OF SUCH A PREFERENCE SYSTEM. MR. RODINO'S BILL, H. R. 981, WOULD ESTABLISH A WORLD-WIDE CEILING OF 250,000. WESTERN HEMISPHERE IMMIGRANTS JUST COMING INTO THE PREFERENCE SYSTEM MIGHT WELL BE DISADVANTAGED, AT LEAST INITIALLY, BY SUCH LEGISLATION. THE DEPARTMENT HAS ALSO PROPOSED IN THE PAST THAT SEPARATE CEILINGS OF 35,000 EACH BE ESTABLISHED FOR MEXICO AND CANADA. THE RODINO BILL WOULD REMOVE ALL NUMERICAL LIMITATIONS FROM IMMIGRATION FROM THOSE TWO COUNTRIES. ALL OTHER COUNTRIES WOULD BE SUBJECT TO AN ANNUAL CEILING OF 25,000. THAT BILL WOULD, MOREOVER, REMOVE REFUGEES FROM THE NORMAL IMMIGRATION CEILING.

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7. DEPT WOULD APPRECIATE VIEWS OF EMBASSY REGARDING

(1) IMPACT OF LEGISLATION WHICH HAS BEEN IN EFFECT SINCE JULY 1, 1968, AND (2) PROSPECTIVE IMPACT OF ENACTMENT OF LEGISLATION SUCH AS H. R. 981 ON US- CANADIAN RELATIONS.

8. YOUR COMMENTS NEEDED BY BOB MARCH 15. ROGERS

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